IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 14TH AUGUST 2007 / 23RD SRAVANA 1929

RP.No. 770 of 2007()

AGAINST THE JUDGEMENT IN RCR.69/2007 Dated 27/07/2007
RCA.16/2005 OF IIND ADDL. DISTRICT COURT, ERNAKULAM.
RCP.39/2003 OF ADDL. MUNISFF'S COURT, KOCHI.
.....

REVIEW PETITIONERS/REVISION PETITIONERS:
---

1. JUDE,S/O.XAVIER,2/403,PADINJATTUMURI, KUMBALANGI VILLAGE,KOCHI-7.

2. JOSEPH,S/O.CHACKO,CHOORAKKULATH, 2/404,KUMBALANGI VILLAGE,KOCHI-7.

3. SUNNY,S/O.JOSEPH,PANAKKAL,2/405, KUMABALANGI VILLAGE,KOCHI-7.

4. XAVIER,S/O.THOMMAN,CHITTATTUTHARA, 2/407 (WRONGLY SHOWN AS 2/405 IN THE IMPUGNED JUDGMENT) KUMBALANGI VILLAGE,KOCHI TALUK.

BY ADV. SRI.M.R.RAJESH

RESPONDENT/RRESPONDENT:

FATHIMA,W/O.XAVIER,PANANJIKKAL HOUSE, THOPPUMPADY VILLAGE & D/O.BAPPUKUTTY (LATE), CHAKKIYAMURI,KUMBALANGHI VILLAGE,KOCHI TALUK.

BY ADV. SRI.JOSEPH FRANKLIN

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 14/08/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

P.R.RAMAN & ANTONY DOMINIC, JJ.

R.P.NO.770 OF 2007 IN
R.C.R.NO.69 OF 2007

Dated this the 14th day of August, 2007

O R D E R

Raman,J.

Petitioners seek for review of the order passed by this Court in R.C.R.No.69/2007. According to them, pursuant to the hearing of the matter, by circular issued by the Government, produced as Annexure-A, Kerala Municipal Buildings Rules are made applicable to all the Panchayats and in case no construction is started so far, such circular will apply and fresh building permit is to be obtained. This subsequent fact if taken note of, it is said that in the absence of any permit issued in accordance with the Kerala Municipal Building Rules, the tenant cannot be evicted without ensuring the compliance of the said rules and leaving sufficient space in accordance with the Kerala Municipal Building Rules. It is also contended that if the construction is to be made in accordance with the Kerala Municipal Building Rules within the available space, it will not be possible to put up the construction.

2. We have heard the learned counsel Sri Rajesh appearing for the petitioners and also the learned counsel Sri Joseph Franklin appearing for the respondent. The learned counsel for the respondent

produced a letter of the Kumbalangi Grama Panchayat signed by the Special Grade Secretary under date 13/8/2007 certifying that in Kumbalangi Grama Panchayat, the Kerala Municipal Building Rules has been implemented since 1986 and further in the present case building permit is obtained in accordance with the said rules. As far as the petitioners' building in Kumbalangi Grama Panchayat is concerned, the Kerala Municipal Building Rules having already been implemented, the fact as stated in the review petition has not given rise to any new ground for maintaining a review petition.

3. In the facts and circumstances and in view of the letter of the Special Grade Secretary, Kumbalangi Grama Panchayat, certifying that the Kerala Municipal Building Rules has been implemented as early as in 1986, we find that the new circular has not given rise to any new fact required to be considered in this review petition.

Review Petition is accordingly dismissed.

P.R.RAMAN,
Judge.

ANTONY DOMINIC,
Judge.

kcv.